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Fresno, California

May 15, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President

Jon Ruiz, Assistant City Manager
Bruce Rudd, Assistant City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Councilmember Duncan presented a Resolution of Commendation to Pastor Ed Huffman for his 20 years of service to the community.

Pastor Ed Huffman from the Woodward Park Baptist Church gave the invocation and President Perea led the Pledge of Allegiance.

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CEREMONIAL PRESENTATIONS:

PRESENTATION OF A CHECK BY DEPARTMENT OF PUBLIC UTILITIES TO THE COMMUNITY FOOD BANK FOR PROCEEDS FROM THE FOURTH ANNUAL DPU GOLF TOURNAMENT – COUNCILMEMBER XIONG

The Department of Public Utilities presented a check in the amount of \$2,000.00

PROCLAMATION OF “BIKE WEEK” – COUNCILMEMBER CALHOUN
PROCLAMATION OF “NATIONAL PUBLIC WORKS WEEK” – MAYOR AUTRY AND COUNCILMEMBERS
PROCLAMATION OF “WATER AWARENESS MONTH” – COUNCILMEMBER WESTERLUND

The above proclamations were read and presented.

APPEARANCE BY PARKER, THE FRESNO GRIZZLY MASCOT, PROMOTING CITY OF FRESNO EVENING AT THE GRIZZLIES SCHEDULED FOR JUNE 1ST

Appearance made.

PROCLAMATION OF “AMERICORPS WEEK” – MAYOR AUTRY AND COUNCILMEMBER STERLING

Read and presented.

(2-0) RECOGNITION OF DISTRICT 7 STUDENT RECOGNITION AWARDS – PRESIDENT PEREA

Presented. President Perea left the meeting at 9:32 a.m. and returned at 9:41 a.m.

PROCLAMATION OF “TEEN PREGNANCY PREVENTION MONTH” – COUNCILMEMBER STERLING

Read and presented.

APPROVE MINUTES OF MAY 8, 2007:

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of May 8, 2007, approved as submitted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: (1) Commended District 3 for working with Aquarius Aquarium on moving their headquarters and production facilities to Fresno, stating the move would result in a large expansion in economic development. (2) Questioned the sign ordinance pertaining to the downtown area where a large number of signs were on the sidewalk indicating it was an event evening and the meters were enforced until 10:00 p.m., stating the signs were illegal and expressed concern that Code Enforcement issued parking violations to patrons visiting small businesses and requested staff provide an explanation.

COUNCILMEMBER WESTERLUND: (1) Expressed concern with the PGA Golf Tournament possibly being sponsored by the City of Clovis, advising Fresno would lose a large amount of revenue; adding the City would need to raise \$2.4 million, stating there were 90 professional golfers committed to come to Fresno in October, advising he had been working with the community on finding sponsors and had received positive responses. Councilmember Westerlund stated sponsors had offered approximately \$600-700,000 and requested Council consider providing matching funding due to the City would receive possibly \$30 million in revenue from the tournament and recommended a special meeting be scheduled due to the upcoming deadline for the tournament. (2) Requested the status of the Audit Committee’s request for the Kronos and Cognos information, noting he had only received 11 pages, advising he was informed there were minutes, contracts and more than just the summary, adding he was disappointed with the material that was brought forward. (3) Stated he was waiting on orders for a two-week active duty trip which would start at the end of May through the first two week in June.

ACTING PRESIDENT XIONG: (1) Stated the State Controller visited Fresno to discuss issues with the local API Community and also provided an update on the budget forecast. (2) Stated there was a town hall meeting hosted by Assembly Member Fabian Nunez on universal health care (3) Thanked Councilmembers Duncan, Sterling and Dages for participating in the Lao Veteran Memorial event this past weekend at Kearney Park. (4) Requested an update on the City’s home renovation program for the low-income and seniors, adding there was a waiting list for the residents who have applied for the program. (5) Requested information regarding a request made by William Milton, Sr. to remove the temporary fence on Calaveras and Hedges, noting he had made a prior request and would now like to have the report within 30 days.

COUNCILMEMBER DAGES: (1) Thanked staff for the completion of work on the railroad at Clovis and Maple Avenues. (2) Expressed concern with the Police Department in southeast Fresno, stating there was no communication and had heard there were conversations between the Police Department and District 5 constituents, noting he had not been kept informed of the constituents concerns. (3) Concurred with Councilmember Westerlund regarding the PGA Golf Tournament staying in Fresno, recommending the City provide \$1.2 million as a match with the private sector, adding the need for a special meeting. (4) Stated he had questioned the signs in the downtown area, adding it was a positive move to prevent the public from receiving a parking ticket. (5) Thanked PR&CS for the good work performed on the median island on Huntington Blvd.

COUNCILMEMBER CALHOUN: (1) Stated an ordinance was in place for fences to be no higher than six feet, adding Pinedale had numerous fences in violation of the six foot ordinance, advising the Planning and Development Dept. wanted to bring the area into code. He stated an extension was made to January, 2007, advising the issue had been delayed for too long and requested staff provide a letter stating why the six foot fences in the Pinedale area were not being enforced, or if enforced, wanted the fences taken down or reduced to the six-foot level. (2) Requested a status report on the hiring of an Information Services Director and a Public Works Director, noting the two senior positions had been vacant too long.

COUNCILMEMBER STERLING: Stated her office had received numerous calls on whether the women's restroom in City Hall was going to be retrofitted for the handicapped, after the completion of the conversion men's restroom and requested staff provide information.

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APPROVE AGENDA:

City Clerk Klisch advised the 10:30 a.m. was continued to June 5, 2007 at 10:15 a.m. and the Redevelopment Agency item scheduled for 10:45 A.M. "D" was removed from the agenda.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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ADOPT CONSENT CALENDAR:

(1-B) * APPROVE AGREEMENT WITH INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39, UNIT 1, REGARDING STATE DISABILITY INSURANCE (SDI) – PERSONNEL SERVICES DEPARTMENT

1. RESOLUTION NO. 2007-175 - APPROVING AN APPLICATION TO THE STATE EMPLOYMENT DEVELOPMENT DEPARTMENT FOR STATE DISABILITY INSURANCE COVERAGE FOR EMPLOYEES IN UNIT 1

(1-D) * AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO ACCEPT FY 2007 GRANT FUNDS FOR THE CALIFORNIA CLICK IT OR TICKET PROGRAM – POLICE DEPARTMENT

1. RESOLUTION NO. 2007-176 – 80TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$90,000 TO FUND THE CALIFORNIA CLICK IT OR TICKET PROGRAM (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-E) * APPROVE THE OPERATIONAL AGREEMENT FOR THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CALMMET) 2007-2008 GRANT FOR \$225,389, AND THE CHIEF OF POLICE HEREBY AUTHORIZED TO SIGN AND COMPLETE RELATED DOCUMENTS – POLICE DEPARTMENT

(1-G) * RESOLUTION NO. 2007-177 - 458TH AMENDMENT TO MFS RESOLUTION NO. 80-420 CORRECTING MULTI-FAMILY NON-BIN RATES IN THE MASTER FEE SCHEDULE TO BE CONSISTENT WITH THE PROPOSITION 218 NOTICE TO CUSTOMERS - DEPARTMENT OF PUBLIC UTILITIES

(1-H) * AWARD CONTRACT TO STEVE DOVALI CONSTRUCTION COMPANY IN THE AMOUNT OF \$294,546.00 FOR RESIDENTIAL WATER METER INSTALLATIONS (BID FILE 2690) - DEPARTMENT OF PUBLIC UTILITIES

(1-I) RESOLUTION NO. 2007-178 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES; PROPERTY LOCATED IN THE BRAWLEY AVENUE ALIGNMENT AT JEANNE AVENUE AT (*PROPERTY LOCATED IN COUNCIL DISTRICT 2*) - PUBLIC WORKS DEPARTMENT

(1-J) RESOLUTION NO. 2007-179 - APPROVING THE SUMMARY VACATION OF A PUBLIC PEDESTRIAN WALKWAY EASEMENT LOCATED ALONG THE SOUTH SIDE OF SHAW AVENUE EAST OF FIRST STREET (*PROPERTY LOCATED IN COUNCIL DISTRICT 4*) - PUBLIC WORKS DEPARTMENT

(1-K) * RESOLUTION NO. 2007-180 - 78TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$55,000 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF WATER WELL SITE NO. 135B PURSUANT TO THE APPROVED TRACT 5283; THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE HEREBY AUTHORIZED TO ALLOCATE STAFF AND RESOURCES TO COMPLETE THE ACQUISITION OF THE REQUIRED WELL SITE - PUBLIC WORKS DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*) (*PROPERTY LOCATED IN DISTRICT 5*)

(1-L) * APPROVE THE ACQUISITION OF FOUR STREET EASEMENTS FOR THE PLACEMENT OF CURB, GUTTER AND SIDEWALK ALONG WHITESBRIDGE BETWEEN WEST AVENUE AND FREEWAY 99 FROM PROPERTY OWNERS: DEMOS & CAROLYN J. GALLENDAR, A.K.J. PROPERTIES AND WILLIAM & BARBARA LARSEN; THE PUBLIC WORKS DIRECTOR HEREBY AUTHORIZED TO ACCEPT THE STREET EASEMENTS DEEDS FROM THE PROPERTIES OWNED BY: DEMOS & CAROLYN J. GALLENDER, A.K.J. PROPERTIES AND WILLIAM & BARBARA LARSEN - PUBLIC WORKS DEPARTMENT

(1-M) * AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$252,938.00 TO MADCO ELECTRIC, INC., FOR THE INSTALLATION OF TRAFFIC SIGNAL FACILITIES AT THE INTERSECTION OF LANE AND WINERY AVENUES (*PROPERTY LOCATED IN COUNCIL DISTRICT5*) - PUBLIC WORKS DEPARTMENT

(1-N) * AWARD A CONTRACT IN THE AMOUNT OF \$1,232,756.20 TO ELITE LANDSCAPING INC., FOR THE SITE IMPROVEMENTS AT FIGARDEN ELEMENTARY SCHOOL (4 BASEBALL FIELDS); THE PUBLIC WORKS DIRECTOR HEREBY AUTHORIZED TO SIGN THE CONTRACT ON BEHALF OF THE CITY (*PROPERTY LOCATED IN COUNCIL DISTRICT 2*) - PUBLIC WORKS DEPARTMENT

(1-O) * APPROVE THE ACQUISITION OF A STREET EASEMENT FROM FRESNO UNIFIED SCHOOL DISTRICT FOR THE RECONSTRUCTION OF THE NORTHWEST CORNER OF N. FRESNO STREET AND E. DAKOTA AVENUE CONCURRENTLY WITH THE ADDITION OF TRAFFIC SIGNAL LEFT TURN PHASING; THE PUBLIC WORKS DIRECTOR OR THE ASSISTANT DIRECTOR HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS, TO SIGN THE ACCEPTANCE FOR THE DEEDS OF EASEMENT, AND TO DIRECT STAFF TO CONCLUDE THE TRANSACTION WITHOUT A THIRD PARTY ESCROW (*PROPERTY LOCATED IN COUNCIL DISTRICT 7*) - PUBLIC WORKS DEPARTMENT

(1-P) * RESOLUTION NO. 2007-181 - 77TH AMENDMENT TO AAR NO. 2006-253 BY APPROPRIATING \$618,600 FOR THE PURPOSE OF THE BI-ANNUAL UGM REIMBURSEMENTS FROM AVAILABLE FUNDS TO APPROVED DEVELOPERS – PUBLIC WORKS DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-Q) * AWARD A CONTRACT FOR THE BASE BID OF \$193,300.00, ADD ALTERNATIVE 1 IN THE AMOUNT OF \$1,200.00, ADD ALTERNATIVE 2 IN THE AMOUNT OF \$800.00, AND ADD ALTERNATIVE 4 IN THE AMOUNT OF \$12,000.00 TO UNIVERSAL COATINGS, INC., OF FRESNO, CALIFORNIA IN THE AMOUNT OF \$207,300.00 TO RE-ROOF MEMORIAL AUDITORIUM – GENERAL SERVICES DEPARTMENT

(1-S) RESOLUTION NO. 2007- 182 - APPROVING THE FINAL MAP OF TRACT NO. 5232 ACCEPTING DEDICATED PUBLIC USES THEREIN EXCEPT FOR DEDICATIONS OFFERED SUBJECT TO CITY ACCEPTANCE OF DEVELOPER INSTALLED REQUIRED IMPROVEMENTS; AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR, PLANNING AND DEVELOPMENT DIRECTOR, THE FIRE CHIEF AND THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS (*PROPERTY LOCATED IN COUNCIL DISTRICT 5*) - PLANNING AND DEVELOPMENT DEPARTMENT

(1-T) * AWARD A CONTRACT TO DAVE CHRISTIAN CONSTRUCTION CO., INC. THE AMOUNT OF \$703,440.32 FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 72 (*PROPERTY LOCATED IN COUNCIL DISTRICT 7*) – DEPARTMENT OF PUBLIC UTILITIES

(1-U) ADOPT FINDINGS FOR THE FRESNO-CLOVIS WATER MAIN INTERTIE PROJECT, MITIGATED NEGATIVE DECLARATION, STATE CLEARING HOUSE NO. 2006112098 AND APPROVE THE FRESNO-CLOVIS WATER SYSTEM INTERCONNECTION AGREEMENT; THE CITY MANAGER AND DIRECTOR OF PUBLIC UTILITIES HEREBY AUTHORIZED TO SIGN THE AGREEMENT ON BEHALF OF THE CITY - DEPARTMENT OF PUBLIC UTILITIES

(1-V) * RESOLUTION NO. 2007-183 - 74TH AMENDMENT TO AAR NO. 2006-253 TO RECOGNIZE \$527,700 IN UNBUDGETED REVENUES AND INCREASE APPROPRIATIONS \$527,700 FOR THE FIRE DEPARTMENT – FIRE DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-W) * RESOLUTION NO. 2007-184 - 81ST AMENDMENT TO THE AAR NO. 2006-253, APPROPRIATING \$307,000 IN ADDITIONAL FY 2004 AND FY 2005 FUNDING AWARDED TO THE FIRE DEPARTMENT FROM THE HOMELAND SECURITY GRANT ADMINISTERED BY THE STATE OFFICE OF EMERGENCY SERVICES (OES), THROUGH THE COUNTY OF FRESNO, TO PROVIDE FOR TRAINING AND EQUIPMENT – FIRE DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-X) *APPROVE AMENDMENT NO. 1 TO COMPUTER SYSTEM SERVICES AGREEMENT BETWEEN THE CITY OF FRESNO FIRE DEPARTMENT AND REPORTING SYSTEMS INC., DBA EMERGENCY REPORTING (RSI) – FIRE DEPARTMENT

(1-Y) RESOLUTION NO. 2007- 185 - 79TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$12,500 FOR MAINTENANCE OF CFD NO. 2; AND \$27,500 FOR ELIGIBLE DEVELOPER DEPOSIT REFUNDS (*REQUIRES 5 AFFIRMATIVE VOTES*) - PUBLIC WORKS DEPARTMENT

(1-Z)* BILL NO. B-44 – ORDINANCE NO. 2007-44 (*FOR ADOPTION*) - TEXT AMENDMENT APPLICATION NO. TA-06-04, AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR, AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE (ZONING ORDINANCE) RELATED TO THE “ADULT BUSINESS” SECTION OF THE CODE (SECTION 12-306-N-30) PROHIBITING NEW ADULT USES FROM LOCATING WITHIN 1,000 FEET OF NONCONFORMING SINGLE AND MULTIPLE-FAMILY RESIDENTIAL DWELLINGS REGARDLESS OF THE ZONE DISTRICT IN WHICH THE RESIDENTIAL DWELLINGS ARE LOCATED - PLANNING AND DEVELOPMENT DEPARTMENT

(1-AA) BILL NO. B-45 (*FOR INTRODUCTION*) TO AMEND SUBSECTIONS (A) AND (B) OF SECTIONS 4-504 AND 4-505 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SALES AND USE TAXES, PURSUANT TO A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF FRESNO (MOU) - FINANCE DEPARTMENT

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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(9:00 A.M.) UNSCHEDULED ORAL COMMUNICATION

Gloria Cantu, Labor Relations Representative with Service Employees International Union, Local 1000, 1551 E. Shaw Avenue, stated she had provided Council with a letter, on file in the City Clerk’s Office, requesting Council support their efforts to stop the closing OF the Medi-Cal office in Fresno, which serviced 14 counties in the Central Valley, adding this would impact not only the employees, but the beneficiaries, providers and the community as a whole. **(3-0)** Ms. Cantu requested each Councilmember send a letter to Assembly Member Patty Berg, Assembly Member John Laird, Senator Denise Moreno Ducheny and Senator Elaine Alquist, requesting the Fresno Medi-Cal office remain open. Also speaking to the issue was Kathleen Phillips, a medical nurse and representative of the Fresno Medi-Cal field office, stating the workload would be re-directed to other offices which would only create a larger backlog and delay the needed services to the community even more.

President Perea stated he would provide a letter along with an e-mail to all the Latino Councilmembers and Mayors throughout the valley and request they send a letter of support with Acting President Xiong requesting his name be added to the letter. Councilmember Sterling stated she had already sent a letter, adding the large number of citizens in District 3 who receive Medi-Cal services and the closing of the office would be detrimental.

COUNCIL MEMBER REPORTS AND COMMENTS: (*Continued from earlier*)

President Perea stated he would work with the City Clerk’s Office to schedule a special Council meeting to discuss the PGA Golf Tournament. He questioned the timeline, adding stating June 5, 2007, Council meeting was too late with Assistant City Manager Ruiz stating City Manager Souza attended a meeting this morning regarding the tournament and would provide an answer.

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(9:15 A.M.A) PRESENTATION AND COUNCIL DISCUSSION REGARDING THE HERNDON TOWN WATER SYSTEM DEFICITS - COUNCILMEMBER CALHOUN

Councilmember Calhoun gave a brief overview of the staff report, noting Herndon Town was an economically challenged area in the City which needed attention. He stated the Herndon Town had 161 residents who operate with individual septic tanks provided by the Herndon Town Water Company and the service levels were considerably below the City service level standards, adding the expectations of the residents of the community was that City service would be provided to them. Councilmember Calhoun stated the community was not included in the “No Neighborhood Left Behind,” adding the infrastructure

needs were enormous and the need for water service was a very high priority due to it was a health and safety issue. Councilmember Calhoun stated the Herndon Town Water Company was owned by June Curtis, who prior to her recent passing, wanted the City to purchase the company, advising the City was not in a position to purchase a failing water system. Councilmember Calhoun stated the system was in such disrepair, residents could not shower in the afternoon and the improvements sought through CDBG funding would provide the standard of water and fire protection that was provided to the rest of the City. Councilmember Calhoun requested a moment of silence on behalf of the passing of June Curtis.

Public Utilities Director Ramirez gave a power point presentation showing comparisons of the Herndon Town and the City's water system to include the difference between a 3" pipe the Herndon Town currently used compared to the 8" pipe the City used, reviewed the water well that provided service and the fire hydrant, noting the approximate cost for the reconstruction of the water system would be \$1,124,376.

Deputy Fire Chief Donis reviewed the affects this area had on the Fire Department in emergency operations, stating the City could not tie into the Herndon Town fire hydrant due to the system would collapse, adding the City would have to provide at least three engines in a relay operation from a hydrant located on Weber and Herndon, over 2,300 feet away from the point, advising of the delay in response. Ms. Donis reviewed options of providing fire protection service to the area.

Councilmember Calhoun stated he wanted to present the item before Council to provide awareness of the situation and would bring forth a proposal during the budget process that would address the problem.

Speaking to the issue was: Joan Summers, 190 N. Newmark, Sanger California, owned property in the area, spoke in support of funding to provide City water to residents in the area, reviewed the services provided in the past, adding Herndon Town Water Company was installing a new pump and well and storage tank at a cost of \$18,000 to be paid by the developer, which in turn, would tie into the current system and discussed the septic systems. Ms. Summer stated if the problem occurred in a more affluent area it would have been taken care of and requested Council provide 100% funding for the water project.

Councilmember Westerlund stated this was the first introduction of the problem and concurred with the water system being inadequate, advising he had contacted Lobbyist Lynn Simons in Washington who had done work for the City in terms of lobbying and stated because it was a rural service area, there might be a possibility of obtaining grants through the Economic Development on the Federal level to raise the water service, adding staff could also look into a Community Facilities District. President Perea stated there was a need to do something and recommended staff be creative in finding a solution, adding the sources of funding was there and it was a matter of putting the resources together. No action taken.

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(9:15 A.M.B) REQUEST STAFF TO DISBAND THE CURRENT FRESNO CLEAN AIR ADVISORY COMMITTEE AND ESTABLISH A CITY OF FRESNO ENVIRONMENTAL PRESERVATION ADVISORY BOARD - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated there was an established Clean Air Advisory Committee he was not aware of, noting the committee was currently inactive, and while still active worked on an issue dealing with natural gas to fund the City's vehicles, advising the above request was to disband the current committee and restructure it to have a broader direction to deal with the environmental issues and concerns and progress the City had made over the years. Councilmember Calhoun stated there were many concerns regarding the environment, and reviewed ten proposed tasks recommended for the Board to address.

(4-0) A motion to approve was made and acted upon after discussion.

Speaking to the issue were: Franz Weinschenk, 4515 E. Pico, who spoke in support of the formation of the advisory board; Manuel Cunha stated there were currently five to six environmental groups already formed and recommended coordinating with the other groups to prevent duplication; Karen Munovich, Fresno Metro Ministry, 1055 N. Van Ness Avenue, spoke in support.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, **RESOLVED**, staff directed to disband the current Fresno Clean Air Advisory Committee and return by August, 2007 with enabling legislation to establish a City of Fresno Environmental Preservation Advisory Board, to incorporate the task as delineated, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

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(9:15 A.M.C) DIRECT CITY MANAGER AND CITY ATTORNEY TO PREPARE DOCUMENTATION TO WITHDRAW THE CITY OF FRESNO FROM THE SAN JOAQUIN VALLEY POWER AUTHORITY - COUNCILMEMBER DUNCAN

Councilmember Duncan stated a correction needed to be made on the staff report, noting the report stated the Elkhills Power Plan was a 500 kilowatt and should read megawatt. He reviewed the staff report, stating the implementation plan recently published on the website stated the San Joaquin Valley Power Authority called it a "community choice", and when the mailing was received by constituents to join, they would be forced to do so unless they specifically opted out. He reviewed the financial risks involved, and their need to build the power plant fueled by natural gas. Councilmember Duncan emphasized the air quality did not need a 500 megawatt gas powered plant near Parlier and noted Elkhills Power Plant emitted 1.6 billion pounds of CO₂ per year into the atmosphere, stressing the City did not need another plant releasing more CO₂. Councilmember Duncan requested Council approve the above listed item and place the item on the June 5, 2007, to provide an opportunity for the San Joaquin Valley Power Authority to provide a presentation and respond to questions.

A motion was made and acted upon after discussion.

Speaking to the issue were: Manuel Cuhna, who spoke in support, stating the power lines impede on the farmers land and would cut down on their produce; Shelly Abajian, 9691 S. Bethel, Selma, who stated her location was directed across the street where the proposed plant was to be built, stating there was also a school close to the site, advising the plant would make the area industrial; Carolina Simunovic, 1055 N. Van Ness Avenue, Suite "H", spoke in support; David Orth, 486 E. Jensen, representing San Joaquin Valley Power Authority, who stated the concerns brought up today were continually being addressed by the Authority, noting this was not about building a power plant, but a vision to establish local involvement in energy planning, reviewed the two opportunities to withdraw from the Authority, advising the Authority would be back on June 5, 2007, to review the planned vision, and Craig Schmidt, Public Affairs Director for PG&E, who spoke in support.

Councilmember Calhoun stated he would not support the item due to when this item was discussed late last year, there were public meetings and no one spoke up at that time, adding Council should let the item move forward in order to allow for review of all the information before making a decision.

Councilmember Dages stressed the importance of proceeding with the presentation in June prior to making a final decision and questioned whether the plan would actually produce 1.6 million gallons of emissions per year with Mr. Orth responding.

Councilmember Westerlund questioned whether staff would make a recommendation in June or July to the whole program agreement with Public Utilities Director Ramirez confirming a recommendation would be made. Mr. Ramirez responded to questions regarding the cost and benefit, stating when this item was before Council in November it was a unanimous vote to move forward. Councilmember Westerlund questioned whether more plants would be built in the valley with Mr. Schmidt stating "peaker plants" would be built which would only function a shorter period of time and were only built when the need arose. Brief discussion ensued regarding air quality issues and mitigating emissions. Mr. Schmidt stated when PG&E had an opportunity to review the implementation plan, their concerns were expressed at that time. Councilmember Westerlund recommended the Council move forward in order to participate in the presentation on June 5, 2007.

Councilmember Duncan clarified the amount of 1.6 billion pounds of CO₂ per year being emitted, stating the amount was provided by the Environmental Protection Agency, adding the Elkhill Power Plant in Kern County was the most recently completed natural gas power plan built in California. Councilmember Duncan stated when the item was discussed last November, he was in support of the concept, noting after reviewing the approved implementation plan the three issues of concern were the environmental impact, the issue of buying credits and the way it would be presented to the public, adding if the estimates were wrong, the increase would be passed onto the consumers and recommended Council make a statement and withdraw from the San Joaquin Valley Power Authority.

Acting President Xiong stated he was not on Council in November, 2006, noting he would appreciate having an opportunity to listen to the various groups involved, stating he did not necessarily support the motion on the floor, adding he did support the information brought forth today, and was anxious to hear the presentation on June 5th. President Perea stated the item was brought before Council twice and at which time he was in support, advising after he had done some research and found the plant was emitting an enormous amount of green house gasses into the air. President Perea stated he was a member of the San Joaquin Valley Air Pollution Control District who had recently passed an 8-Hour O-Zone Plan which he did not support, advising he was in support of the motion, adding he would vote against more peaker plants being built. President Perea stressed the importance of looking into other options to meet the needs and encouraged Council refrain from various comments when the issue was brought forward on June 5th.

A motion by Councilmember Duncan, seconded by Councilmember Sterling, to direct the City Manager and the City Attorney to prepare documentation to withdraw the City of Fresno from the San Joaquin Valley Power Authority failed approval, by the following vote:

Ayes : Duncan, Sterling, Perea
Noes : Calhoun, Dages, Westerlund, Xiong
Absent: None

LUNCH – 11:57 A.M. – 2:00 P.M.

(9:15 A.M. D) RESOLUTION NO. 2007-186 - FINDING PUBLIC HEALTH AND SAFETY CONCERNS AT TEMPORARY HOMELESS ENCAMPMENT UNDER THE MONTEREY STREET OVERPASS ON “H” STREET AND DIRECTING INSTALLATION OF TWO PORTABLE RESTROOMS AND TRASH DUMPSTER - COUNCILMEMBER DUNCAN

Councilmember Duncan stated the item was placed on the agenda for the purpose of establishing findings regarding the health and safety of the portable restrooms and trash containers in order to resolve any liability issues.

A motion was made and acted upon after discussion.

Councilmember Westerlund questioned whether the restrooms would be monitored with Assistant City Manager Rudd stating security would be provided by CIS Security. Councilmember Westerlund stated he could not support the item at the time without the services in place, noting the people in the encampment were there illegally.

Councilmember Calhoun questioned the liability to the City if someone was injured with City Attorney Sanchez stating this was a temporary situation to provide a service and measures to minimize the liability would continue to be taken until the area had been evacuated. Councilmember Sterling thanked everyone involved, adding she was looking forward for the availability of permanent housing.

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2007-186 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent: None

(10:00A.M.#1) HEARING – TO RENAME THE TENNIS COURT AT THE ROEDING TENNIS CENTER (*CONTINUE TO JUNE 5, 2007 AT 10:00 A.M.*)

Continued as noted.

(10:00A.M.#2) HEARING TO CONSIDER REZONE APPLICATION NO. R-07-11, AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, PERTAINING TO 12 PROPERTIES TOTALING APPROXIMATELY 23.06 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF W. DAKOTA AVENUE BETWEEN N. CORNELIA AND N. MILBURN AVENUES – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-07-11, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN.

B. BILL NO. B-46/ORDINANCE NO. 2007-45 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AL-20 (*LIMITED TWENTYACRE AGRICULTURAL, FRESNO COUNTY*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT (*PROPERTY LOCATED IN COUNCIL DISTRICT 1*)

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Resource Associates Consultant Sorenson advised the Executive Summary in the staff report should be corrected to reflect the area should read the property was located in the West Area Community Plan and not the Woodward Park Community Plan, adding there was no new information to add.

Speaking in support was Michael Smith, Lafferty Homes. Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Acting President Xiong, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-46 adopted as Ordinance No. 2007-45, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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(10:00A.M #3) HEARING TO CONSIDER THE “ISLAND LAKES” CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5729, FILED BY ISLAND LAKES 114 REALTY LLC, PERTAINING TO 9.27 ACRES OF PROPERTY ZONED R-3-A/BA/UGM (*MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL, ONE STORY/BOULEVARD AREA OVERLAY/URBAN GROWTH MANAGEMENT*) AND LOCATED ON THE WEST SIDE OF N. FIRST STREET BETWEEN E. ALLUVIAL AND E. NEES AVENUES (**PROPERTY LOCATED IN COUNCIL DISTRICT 6**) – PLANNING AND DEVELOPMENT DEPARTMENT

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. T-5729

2. **RESOLUTION NO. 2007-187** – APPROVING VESTING TENTATIVE TRACT MAP NO. 5729 PROPOSING THE CREATION OF A ONE COMMON LOT CONDOMINIUM MAP; AND THE CONVERSION OF THE “ISLAND LAKES” MULTIPLE-FAMILY APARTMENT COMPLEX INTO A CONDOMINIUM OWNER-OCCUPIED COMPLEX

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Speaking in support was Dirk Poeschel, 923 Van Ness, on behalf of the applicant, provided pictures of the rehabilitation process, on file in the City Clerk’s Office.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-187, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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(10:15A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-07-05, AND ENVIRONMENTAL FINDINGS, FILED BY FRANCISCO VALDERRAMA, PERTAINING TO A 0.33 ACRE OF PROPERTY LOCATED ALONG THE EASTERLY SIDE OF N. ROOSEVELT AVENUE, SOUTH OF E. BELMONT AVENUE (504 E. BELMONT AVENUE)- (**PROPERTY LOCATED IN COUNCIL DISTRICT 3**) – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-07-05/C-07-19, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. **BILL NO. B-47-ORDINANCE NO. 2007-46** – AMENDING THE OFFICIAL ZONE MAP TO REZONE 0.15 ACRE OF THE SUBJECT PROPERTY FROM THE R-1 (*SINGLE FAMILY RESIDENTIAL*) ZONE DISTRICT TO THE C-6 (*HEAVY COMMERCIAL*) ZONE DISTRICT IN ORDER TO MAINTAIN AN EXISTING PARKING AREA THAT SERVES AN ADJOINING RESTAURANT FACILITY

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle advised the staff report as submitted was complete and there was no new information to add.

Speaking in support was Frank E. Areyano, Architect, 4270 N. Blackstone Avenue, #314.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-47 adopted as Ordinance No. 2007-46, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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(10:30A.M.) HEARING REGARDING CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 17 (FINAL TRACT MAP NO. 5730) (*LOCATED IN COUNCIL DISTRICT 2*) – PUBLIC WORKS DEPARTMENT

Continued to June 5, 2007, at 10:15 a.m.

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(2:15 P.M.) HEARING TO CONSIDER STREET NAME CHANGE APPLICATION NO. SNC-2007-01, AND ENVIRONMENTAL FINDINGS, FILED BY COUNCILMEMBER STERLING ON BEHALF OF SENIOR PASTOR REVEREND SHANE B. SCOTT OF THE SAINT REST MISSIONARY BAPTIST CHURCH, PERTAINING TO A CHANGE IN THE STREET NAME OF E. FLORENCE AVENUE BETWEEN S. CLARA AVENUE AND STATE HIGHWAY 99 TO EAST REVEREND CHESTER RIGGINS AVENUE (*PROPERTY LOCATED IN COUNCIL DISTRICT 3*)

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. SNC-07-01, DETERMINATION OF A FINDING OF NO POSSIBILITY OF SIGNIFICANT ADVERSE EFFECT EXEMPTION FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

B. RESOLUTION NO. 2007-188 – APPROVING STREET NAME CHANGE APPLICATION NO. SNC-2007-01

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Sterling thanked the people involved, stating it was an honor to be a part of the historic process of recognizing a man who had worked hard for the community.

Planning Manager Unruh gave a brief review of the staff report and advised the staff report as submitted was complete and there was no new information to add.

Speaking in support were: Les Kimber, Member of the Trustee Board of the Baptist Church; Sheila Riggins-White, and Pastor Shane Scott of the Saint Rest Missionary Baptist Church.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun questioned the Council request made approximately 1 ½ years ago on the status of the re-naming either “M” or “P” Street to Independence Avenue and expressed concern with not receiving a response. He stated it had been on the request list for a long time with Assistant City Manager Rudd stating he would research the item and return to Council in one week. Councilmember Sterling thanked staff and the Riggins family for their hard work in the completion of the project, adding the area involved was starting to development along with in-fill housing and new commercial development to strengthen the area. President Perea stated he was in full support of the name change, adding most often streets were re-named for national figures and it was an honor because this was dedicated to a local figure.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-188, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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The City Council recessed at 2:30 p.m. and convened in joint session with the Redevelopment Agency.

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(10:45A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF April 24, 2007

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of April 24, 2007, approved as submitted.

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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(10:45 A.M. A) AWARD OF CONSTRUCTION CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$148,660.00 FOR THE INSTALLATION OF MEDIAN ISLANDS ON TULARE STREET BETWEEN “B” TO “E” STREETS; AN AREA WITHIN THE WEST FRESNO COMMUNITY VISION PLAN

1. RESOLUTION NO. 2007-189/1696 - MAKING CERTAIN FINDINGS PURSUANT TO SECTION 33445 OF THE COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE AGENCY’S EXPENDITURE OF TAX INCREMENT TO INSTALL PUBLIC IMPROVEMENTS WITHIN THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA PROJECT FOR MEDIAN ISLAND INSTALLATION AT TULARE STREET FROM “B” TO “E” STREET (CITY AND AGENCY ACTION)

(6-0) Redevelopment Agency Executive Director Murphey gave a brief overview of the staff report.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, a construction agreement to Steve Dovali Construction in the amount of \$148,660.00 for the installation of landscaped median islands on Tulare Street, between “B” Street and “E” Street hereby awarded; Resolution Nos. 2007-189 and 1696 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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(10:45 A.M. B) RESOLUTION NO. 2007-190/1697 - APPROVING AN OWNER PARTICIPATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT, FOR THE CONSTRUCTION OF A RESIDENTIAL HOUSING PROJECT AT SOUTHEAST CORNER OF CLARA AND NORTH AVENUE (TRACT NO. 5603) AND ASSOCIATED AGENCY GRANT (CITY AND AGENCY ACTION)

Redevelopment Agency Executive Director Murphey stated the developer planned to construct eleven affordable homes and as a condition of development the Fresno Metropolitan Flood Control District required construction of an on-sight ponding basin that added an unforeseen cost to the project and the developer requested assistance from the Agency to close the gap to make the project possible. Ms. Murphey noted an Owner Participation Agreement was included in the packet to provide for an Agency reimbursement for the construction cost of the ponding basin at an estimated cost of \$240,128, adding in exchange for the Agency contribution there would be a 45-year covenant on the homes for low-income housing.

Councilmember Westerlund questioned whether the Consent Calendar Item “1A” which was approved in December, 2004, and being part of the project, expressed concern with a requested to extend the project to June, 2008, noting it would be four years to develop eleven homes. He stated there was a need to develop affordable housing in a timely manner and requested assurance by the developer he would meet the time schedule. James Hendricks, representing the development, expressed his concern regarding the timeline, adding the location of the property was on the extreme fringe of the community and the majority of the infrastructure was not in place and explained several issues that caused the delay. Councilmember Westerlund stated he would support the project due to receiving assurance the project would be completed by November, 2007.

Councilmember Calhoun questioned the process of applying for another permit due to not meeting timelines. Housing and Community Development Manager Sigala responded to questions regarding late penalty fees and recovery of funds in case of a default action. Ms. Murphey reviewed the gap financing, noting the developer was paid in increments only when the work was completed. City Attorney Sanchez added the Owner Participation Agreement was a phase-in payment plan which would ensure payment only upon completion.

Councilmember Sterling stated the project was started in the year 2004 and stressed the importance of providing affordable housing, noting she believed they were on track with all the obstacles that faced them, adding her office was always available to assist with any problems that arose.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-190/1697 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(10:45 A.M. C) BILL NO. B-48 (FOR INTRODUCTION)- PURSUANT TO HEALTH AND SAFETY CODE SECTION 33342.7 APPROVING DESCRIPTIONS OF THE REDEVELOPMENT AGENCY'S PROGRAMS TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE AGENCY'S EXISTING PROJECT AREAS (CITY ACTION)

Redevelopment Agency Consultant Freeman gave a brief overview of the staff report, noting there was a typographical error on Page 4 of Exhibit 9 – eminent domain program for the Jefferson Area Redevelopment Plan. The Exhibit needed to be amended to add the phrase: *“the way the Agency obtains prejudgement possession and the way it”* to the second line on Page 4.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the above entitled Bill No. B-48 introduced/laid over, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(10:45 A.M. D) CONSIDER AMENDMENT NO. 1 OF THE EXCLUSIVE NEGOTIATING AGREEMENT WITH FRESNO HISTORIC CHINATOWN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR THE HISTORIC CHINATOWN PROJECT AREA LOCATED WITHIN THE CHINATOWN EXPANDED AND SOUTH VAN NESS REDEVELOPMENT PROJECT AREAS

The above listed item was removed from the agenda by staff.

The joint bodies adjourned their meeting at 2:56 p.m. and the City Council reconvened in regular session.

(11:00 A.M. A) APPROVE ECONOMIC DEVELOPMENT CORPORATION CONTRACT FOR BUSINESS RETENTION AND EXPANSION SERVICES – ECONOMIC DEVELOPMENT DEPARTMENT

Economic Development Director Johnson gave an overview of the staff report, adding there were approximately 28,000 businesses who had attained business licenses in the City, adding an average of 300 business applications were filed/issued per month and the need to have an aggressive business retention and expansion program had become apparent and reviewed what the services would provide. Mr. Johnson stated the request was to contract with the Economic Development Corporation and partner with other members of the economic development alliance within the community that provide economic development services which would allow a non-governmental agency to become the contact with businesses, who in turn, would work with the City by a designed program including a data base and reporting system.

A motion was made and acted upon after discussion.

Acting President Xiong questioned the design of the program and whether there was a template in place, and staffing and their location with Mr. Johnson responding. Councilmember Calhoun questioned a duplication of service of software with Delyn Meyers, Economic Development Corporation, stating the earlier program was a web program which was a rapid response program and the proposed software was not a reactive program but a proactive program with brief discussion ensuing regarding the differences in the programs. Steve Geil, Economic Development Corporation, responded to questions by Councilmember Calhoun regarding the hiring of an additional employee, expansion retention schedule and the funding of the program, with Councilmember Calhoun questioned the increase of the department's budget from last year to the upcoming budget year.

Councilmember Westerlund spoke in support of the service, stating a large business in District 4, employing 100 employees decided to move his business to another City and after the City worked with him kept his company in the City and had thought about expanding his business, stressing the importance of moving forward with the above services.

(7-0) Councilmember Dages stated the word “measurable” was not a usual practice to receive \$300,000 per year and noting the importance of accountability. He stated the Economic Development Corporation and the Economic Development Department were working well together, adding his support, noting he would not waiver from the measurability aspect, questioned the \$165,000 budgeted for this year. Councilmember Dages stressed the need to work with City businesses, noting the Cornnut Company in District 5 was planning on leaving the Fresno area until the City worked with the company.

Councilmember Calhoun questioned the proposed amount in the EDC budget for next year with Mr. Johnson stating there was \$180,000 from next year’s budget and \$120,000 from this year’s budget if the program was approved today.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Economic Development Corporation contract for business retention and expansion services, hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR

(1-A) * APPROVE A HOME CHDO AGREEMENT AMENDMENT WITH FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT GRANTING A TIME EXTENSION FOR THE SOUTH CLARA ESTATES AFFORDABLE SINGLE FAMILY DEVELOPMENT- HOUSING AND COMMUNITY DEVELOPMENT

Councilmember Sterling stated her questions had been addressed during the presentation of the Redevelopment Agency Item “B” discussion, requesting the above item be mirrored with the completion date of June, 2008 to coincide with the Redevelopment Agency item.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, a Home Investment Partnerships (HOME) Program funds CHDO (Community Housing Development Organization) Agreement amendment with Fresno West Coalition for Economic Development granting a time extension from June 29, 2007 to June 29, 2008, for the South Clara Estates affordable single family development, hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(1-C) * APPROVE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF FRESNO (CITY) AND THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA), UNIT 4, COVERING THE PERIOD JULY 1, 2006 THROUGH JUNE 30, 2009, FOR PREMIUM PAY FOR PERFORMING CHIEF POLICE PILOT DUTIES - PERSONNEL SERVICES DEPARTMENT

Councilmember Calhoun stated he had requested a response prior to the meeting as to the need for a side letter of agreement, stating staff’s response was the position was filled by a civilian pilot, who had now retired, and the position was replaced with a sworn officer, adding the response also stated the person was working long hours along with added stress, noting this did not meet the job description. At the hour of 3:40 p.m. Councilmember Westerlund left the meeting. Councilmember Calhoun also questioned whether the person supervised. Deputy Police Chief Farmer stated the civilian pilot was limited in his job duties and the sworn officer was given additional duties as well as supervise and the side letter of agreement was an incentive to keep the sworn officer in that position. Councilmember Calhoun expressed concern with the information in the staff report not being brought forward in a clear manner.

Assistant City Manager Rudd stated the increase would be a 7.6% differential for providing supervision of the everyday Skywatch Program. Captain Garner gave a brief review of the duties of the position, including the training and supervision and the increase was to compensate the pilot for the additional duties.

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, a Side Letter of Agreement between the City of Fresno and the Fresno Police Officers Association (FPOA), Unit 4, covering the period July 1, 2006 through June 30, 2009, for premium pay for performing Chief Police Pilot duties, hereby approved, by the following vote:

Ayes : Dages, Duncan, Sterling, Xiong, Perea
Noes : Calhoun
Absent: Westerlund

(1-F) RESOLUTION NO. 2007-191 - ESTABLISHING THE UTILITY ADVISORY COMMITTEE (UAC) – DEPARTMENT OF PUBLIC UTILITIES

Councilmember Dages requested an amendment be made to the resolution to make the committee an 11-member panel; four appointed by the Mayor and one appointed by each Councilmember.

A motion was made and acted upon after discussion.

Assistant Public Utilities Director Martin stated the Public Utilities Commission was a success, noting this committee would only be an advisory committee, adding this would take approximately two years, and it was Council's decision as to be involved or be a support role in reviewing the applications. At the hour of 3:46 p.m. Councilmember Westerlund returned to the meeting. Councilmember Calhoun stated staff had provided an excellent recommendation and requested Council not approve the amendment.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-191, hereby adopted, as amended, to make the Committee an 11-member panel with four appointed by the Mayor and one appointed by each Councilmember, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Perea
Noes : Calhoun, Xiong
Absent: None

(1-R) * RECOMMEND CITY COUNCIL APPROVE THE SALE OF THREE VACANT CITY-OWNED RESIDENTIAL PARCELS, ONE LOCATED AT 14 SAN PABLO AND TWO (2) VACANT PARCELS LOCATED AT THE NORTHWEST CORNER OF WILLOW AND JENSEN AVENUES, TO COALITION FOR URBAN RENEWAL EXCELLENCE (CURE) FOR THE DEVELOPMENT OF AFFORDABLE SINGLE-FAMILY INFILL HOUSING – PLANNING AND DEVELOPMENT DEPARTMENT

Housing and Community Development Manager Sagala responded to questions by Acting President Xiong regarding the purchase and sale of property and the affordable housing price.

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the sale of three vacant City-owned residential parcels, one located at 14 San Pablo and two (2) vacant parcels located at the northwest corner of Willow and Jensen Avenues, to Coalition for Urban Renewal Excellence (CURE) for the development of affordable single-family infill housing, hereby approved; the Planning and Development Director hereby authorized to execute the purchase and sale agreements, and related escrow documents, subject to City Attorney approval, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(2:30 P.M.) PRESENTATION OF STATE BONDING OPPORTUNITIES – CITY MANAGERS OFFICE

Chief of Staff White introduced the registered lobbyists from State Public Affairs to include: Christopher Townsend, Principal of Townsend Public Affairs; Isaac Costfreed, Northern California Director for Townsend Public Affairs; and Jennifer Thompson from Townsend Public Affairs.

Isaac Costfreed, highlighted the 2006 priority bonds and new and future bond proposals. He stated the total bond package was \$42.7 billion bond package; reviewed the scope of how the money would be allocated to 67 different programs. Mr. Costfreed reviewed the following: the Proposition 1B for \$19.2 million and gave a breakdown of the funding; Transportation involving the Corridor Mobility Improvement Account; Goods Movement and Air Quality Programs; State-Local Partnership Program and Local Streets and Road Technology Based Improvement funding.

(8-0) At the hour of 4:16 p.m. Councilmember Duncan left for the remainder of the meeting. Jennifer Thompson reviewed Proposition 1C – Housing and Urban Infill to include \$2.485 billion which would fund 13 projects in Housing and Community Development, noting one half were existing programs from Proposition 46 and one half were new programs within the department; and Proposition 84 – Parks and Resources + \$5.4 billion.

Mr. Costfreed reviewed the Proposition 1D relating to Education and Proposition 1E relating to levees and reviewed the new and future bond proposals; process and timing and maximizing funding for Fresno and reviewed an action item update.

Councilmember Westerlund questioned the matrix of priorities, stating the Council should set the priorities with Ms. White stating that 99% of the projects were put together in consultation with each departments and were looking for shelf-ready projects that would meet funding criteria for the money available, stressing the need to look more global than by district. Councilmember Westerlund stated the Council should establish input as a legislative body, adding the decisions need to be based on the City as a whole, stressing the Highway City Water Project should be a priority. Assistant City Manager Rudd responded to questions relating to COG projects and reviewed the rail grade separation and how the City could be more effective within the City.

Councilmember Sterling thanked Townsend Public Affairs for providing the report and meeting with her office, stating the list should be expanded on all the categories so the City would be shelf-ready. **(9-0)** President Perea questioned how the City could move forward with Ms. White requesting a consensus list would be the best route to take and requested Council provide the Mayor's Office with input within the next ten days. President Perea concurred with Ms. White and reiterated the importance of providing input and comments within the ten days in order to let the lobbyist know what the City's needs were.

Councilmember Calhoun expressed concern with the priority list, stating the entire Council was concerned with the entire City as a whole, adding he was disappointed that Council was not brought into the process earlier. Mr. Rudd stated the list was an initial list based on the perimeters, adding the City needed a list of projects so when working with the legislature the language could be amended to ensure the City was still able to participate.

Councilmember Westerlund questioned the matrix relating to no dollar amount for the homeless and transitional housing, adding Fresno was one of the largest City that did not apply for an application with Ms. Thompson stating there were five program on the State level to fund emergency homeless shelters and transitional housing. Councilmember Westerlund requested a list of the five project and the requirements.

President Perea thanked the involved for the report and reminded Council to provide a list with input and comments to the Mayor's Office within ten days.

(2:00 P.M. #2) CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: CITY OF FRESNO V. RAPS FRESNO, LLC (CMH)

The City Council met in closed session in Room 2125 at the hour of 5:06 p.m. to consider the above matter and adjourned thereafter at 5:33 p.m.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:33 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

Henry T. Perea, Council President

ATTEST: Cindy Bruer, Deputy City Clerk

